

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Gosselin <i>et al.</i>	Confirmation No.:	1728
Serial No.:	10/022,276	Art Unit:	1623
Patent No.:	6,569,837		
Filed:	December 14, 2001	Examiner:	Crane, Lawrence E
For:	B-L-2'-DEOXYNUCLEOSIDES FOR TREATMENT OF HEPATITIS B	Attorney Docket No.:	IDX 1000 CON1

PETITION UNDER 37 C.F.R. § 1.182

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This petition is to petition the Patent Office to rescind the Request for Non-Publication and Certification filed on December 14, 2001, in connection with the above-identified application. On June 27, 2007, the Patent Owners filed a Request to Rescind Previous Non-Publication Request. To date, no decision regarding the Request to Rescind Previous Non-Publication Request has been received from the Patent Office.

A Request for Non-Publication and Certification under 35 U.S.C. § 122(b)(2)(B)(i) ("Request") was inadvertently submitted on December 14, 2001, in connection with U.S. Pat. App. No. 10/022,276. In the Request, the Patent Owners' representative certified that U.S. Pat. App. No. 10/022,276 had not and would not be the subject of an application filed in another country, or under a multilateral agreement that requires publication at eighteen months after filing. However, at the time of filing this application, the subject matter of U.S. Pat. App. No. 10/022,276 had been previously filed and published under a multilateral agreement on February 24, 2000 (as WO 00/09531).

The Patent Owners respectfully submit that the Request and the certification were improper and inadvertently filed pursuant to M.P.E.P. §1122. The Patent Owners respectfully petition to rescind the Request filed on December 14, 2001 pursuant to 37 C.F.R. § 1.213(b).

Pursuant to 37 C.F.R. § 1.213(b)(1), this petition to rescind previous non-publication request is directed to U.S. Pat. App. No. 10/022,276, now issued as U.S. Pat. No. 6,569,837. The Patent Owners submit that pursuant to 35 U.S.C. § 122(b)(2)(B)(ii) and 37 C.F.R. § 1.213(b), this petition to rescind previous non-publication request may be filed at any time.

Pursuant to 35 U.S.C. § 122(b)(2)(B)(ii) and 37 C.F.R. § 1.213(b)(2), the Patent Owners hereby rescind the previous non-publication request filed on December 14, 2001.


Pursuant to 37 C.F.R. § 1.213(b)(3), this petition to rescind previous non-publication request is signed in compliance with 37 C.F.R. § 1.33(b).

In view of the foregoing, the Patent Owners respectfully request that this petition to rescind previous non-publication request be granted.

No fee is believed to be due with this petition; however, the Commissioner is authorized to charge any requisite fee to Jones Day Deposit Account No. 50-3013 (order no. 417451-999030).

Respectfully submitted,

Date: May 7, 2008



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